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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/731,509

12/10/2003

Keiichi Aoyama

03500.017777

4629

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7590

03/12/2008

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

KE, PENG

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

03/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,509	<b>Applicant(s)</b> AOYAMA ET AL.	
	<b>Examiner</b> Peng Ke	<b>Art Unit</b> 2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7,8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-5, 7-8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/15/07 has been entered.

Claims 1, 4-5, 7-8 and 11-14 are pending in this application. Claims 1 and 11 are independent claims. In the Amendment, filed on 11/15/07, claims 1, 4-5 and 7-8 were amended.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4-5, 7-8 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian ("Killian" US Patent No. 6,163,316) in view of Gordon et al. ("Gordon" US Patent No. 6,208,335) and Ellis et al. ("Ellis" US Patent No. 6,898,762) further in view of Pravetz ("Pravetz" US Patent 7,272,628).

Regarding independent claim 1, Killian teaches a digital broadcasting receiver comprising receiving means for receiving a digital television signal and GUI data included in a broadcasting wave, the GUI data being screen data to be displayed on a display unit (i.e.

"TUNER/DECODER", "PLATFORM" and "AUDIONIDEO OVERLAYS" in FIG. 1 et seq. of Killian).

Killian does not teach installing means for installing and displaying or a menu for selectively installing and receiving GUI data.

Gordon teaches installing means for selectively installing the GUI data received by said receiving means and displaying means for displaying the installed GUI data on the display unit (i.e. compare "INFORMATION SERVER" and "VIDEO SESSION MANAGERI" in FIG. 1 et seq. of Gordon and "APPLET" in FIG. 5 with displayed GUI data in FIGS. 9-19).

It would have been obvious to an artisan at the time of the invention to combine the installed GUI data of Gordon into the broadcasting receiver of Killian. Said artisan would have been motivated to combine Gordon into Killian to combine navigation software into the broadcasting receiver to improve the interactive menu structure of the on-screen program guide (i.e. see col. 2 line 1 et seq. of Gordon).

Ellis teaches installing means which displays a selecting menu through which a user can select as to whether the GUI data received by said receiving means is installed or not (i.e. "PROVIDE USER WITH OPPORTUNITY TO DEFINE PREFERENCE PROFILE" in FIG. 21 et seq. of Ellis).

It would have been obvious to an artisan at the time of the invention to combine the selectable installing means of Ellis into the broadcasting receiver of Killian as modified by Gordon. Said artisan would have been motivated to combine Ellis into the modified Killian to provide the user with a unique user experience customized to filter program guide data and minimize bandwidth requirements (i.e. see col. 2 line 16 et seq. of Ellis).

However, they fail to teach after receiving means receives of GUI data prompting user select either or not install the GUI data.

Pravetz (US Patent, 7,272,628) teaches receiving means receives of GUI data prompting user select either or not install the GUI data. (col. 5, lines 55-70)

It would have been obvious to an artisan at the time of the invention to include Pravetz's teaching with method of Ellis, Gordon, and Killian in order provides users the opportunities to use copyright programs.

Regarding dependent claim 4, Killian, in combination with Gordon, Ellis, and Pravetz teaches a digital broadcasting receiver according to claim 1, further comprising storage means for storing user's preference information, wherein the GUI data includes keyword information relating to the GUI data, said installing means installs the GUI data received by said receiving means when the keyword information corresponds to the user's preference information stored in said storage means (i.e. "STORAGE DEVICE" in "PROGRAM GUIDE SERVER" in FIG. 2a et seq. of Ellis).

Regarding dependent claim 5, Killian, in combination with Gordon, Ellis, and Pravetz teaches a digital broadcasting receiver according to claim 4, wherein said installing means includes notifying means for notifying a user when the keyword information corresponds to the user's preference information, and executing means for determining an execution of an installation of the GUI data based on an instruction by the user (i.e. compare "PROFILE" and

"SUGGEST" in FIG. 3 et seq. of Killian).

Regarding dependent claim 7, Killian, in combination with Gordon, Ellis, and Pravetz teaches a digital broadcasting receiver according to claim 4, wherein the keyword information is characteristics information of a remote control (i.e. compare "REMOTE CONTROL" with "SECONDARY STORAGE DEVICE" in FIG. 3 et seq. of Ellis), the preference information is tendency information for a user's operation (i.e. compare "PROFILE" and "SUGGEST" in FIG. 3 et seq. of Killian), and the GUI data to be installed is selected based on comparison between the characteristics information and the tendency information (i.e. "PROVIDE VIEWING RECOMMENDATIONS BASED ON PREFERENCE PROFILE" in FIG. 21 et seq. of Ellis).

Regarding dependent claim 8, Killian, in combination with Gordon, Ellis, and Pravetz teaches a digital broadcasting receiver according to claim 7, wherein the tendency information includes at least one of a history of an operation for executing a given function, a type of misoperation caused before execution of the given function, a hand holding the remote control, and information as to whether the remote control is laid in use or held in use (i.e. "PROVIDE VIEWING RECOMMENDATIONS BASED ON PREFERENCE PROFILE" in FIG. 21 et seq. of Ellis).

Regarding independent claim 11, Killian teaches a controlling method of a digital broadcasting receiver, said method comprising the steps of: receiving a digital television signal and GUI data included in a broadcasting wave, the GUI data being screen data to be displayed on

a display unit (i.e. "TUNER/DECODER", "PLATFORM" and "AUDIO/VIDEO OVERLAYS" in FIG. 1 et seq. of Killian). Killian does not teach installing means for installing and displaying or a menu for selectively installing and receiving GUI data.

Gordon teaches selectively installing the GUI data received in the receiving step; and displaying the installed GUI data on the display unit (i.e. compare "INFORMATION SERVER" and "VIDEO SESSION MANAGER" in FIG. 1 et seq. of Gordon and "APPLET" in FIG. 5 with displayed GUI data in FIGS. 9-19). It would have been obvious to an artisan at the time of the invention to combine the installed GUI data of Gordon into the broadcasting receiver of Killian. Said artisan would have been motivated to combine Gordon into Killian to combine navigation software into the broadcasting receiver to improve the interactive menu structure of the on-screen program guide (i.e. see col. 2 line 1 et seq. of Gordon).

Ellis teaches in said installing step, a selecting menu is displayed so that a user can select through the menu as to whether the GUI data received in said receiving step is installed or not (i.e. "PROVIDE USER WITH OPPORTUNITY TO DEFINE PREFERENCE PROFILE" in FIG. 21 et seq. of Ellis).

It would have been obvious to an artisan at the time of the invention to combine the selectable installing means of Ellis into the broadcasting receiver of Killian as modified by Gordon. Said artisan would have been motivated to combine Ellis into the modified Killian to provide the user with a unique user experience customized to filter program guide data and minimize bandwidth requirements (i.e. see col. 2 line 16 et seq. of Ellis).

However, they fail to teach after receiving means receives of GUI data prompting user select either or not install the GUI data.

Pravetz (US Patent, 7,272,628) teaches receiving means receives of GUI data prompting user select either or not install the GUI data. (col. 5, lines 55-70)

It would have been obvious to an artisan at the time of the invention to include Pravetz's teaching with method of Ellis, Gordon, and Killian in order provide users the opportunities to use copyright programs.

Regarding dependent claim 12, Killian, in combination with Gordon, Ellis, and Pravetz teaches the controlling method according to claim 11, further comprising a step for inputting a user's preference information, wherein: the GUI data includes keyword information relating to the GUI data; and in said installing step, when the keyword information corresponding to the user's preference information is inputted, the GUI data received by said receiving step is installed (i.e. "PROVIDE USER WITH OPPORTUNITY TO DEFINE PREFERENCE PROFILE" in FIG. 21 et seq. of Ellis).

Regarding dependent claim 13, Killian, in combination with Gordon, Ellis, and Pravetz teaches the controlling method according to claim 12, wherein said installing step includes: a step for notifying a user when the keyword information corresponds to the user's preference information; and a step for determining an execution of an installation of the GUI data based on an instruction by the user (i.e. compare "PROFILE" and "SUGGEST" in FIG. 3 et seq. of Killian).

Regarding dependent claim 14, Killian, in combination with Gordon, Ellis, and Pravetz teaches the controlling method according to claim 12, wherein: the keyword information is characteristics information of a remote control (i.e. compare "REMOTE CONTROL" with "SECONDARY STORAGE DEVICE" in FIG. 3 et seq. of Ellis); the preference information is



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tendency information for a user's operation (i.e. compare "PROFILE" and "SUGGEST" in FIG. 3 et seq. of Killian); and the GUI data to be installed is selected based on comparison between the characteristics information and the tendency information (i.e. "PROVIDE VIEWING RECOMMENDATIONS BASED ON PREFERENCE PROFILE" in FIG. 21 et seq. of Ellis).

***Response to Argument***

Applicant's arguments with respect to claims 11/15/07 have been considered but are deemed to be moot in view of the new grounds of rejection.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke  
/Peng Ke/  
Primary Examiner, Art Unit 2174